

REMARKS

In response to the Office Action dated March 3, 2006 (hereinafter, the "Action"), Applicant respectfully requests reconsideration based on the following remarks.

A review of the claims indicates that:

Claims 1-20 were previously pending.

Claim 1 has been amended.

Claims 2, 3 and 6-9 are in their original form.

Claims 4, 5, and 10-20 have been withdrawn from consideration.

Claim 21 is added.

Claims 1-21 are currently pending in this application.

Applicant submits that claim 21 is fully supported under 35 U.S.C. § 112, 1st paragraph, at least by page 5, paragraph [0019] and Figure 4 of the Applicant's Specification.

Applicant respectfully submits the claims as presented are in condition for allowance.

Rejections under 35 U.S.C. §112, ¶2

The Office rejects claims 1-3 and 6-9 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Applicant respectfully traverses these rejections, for the reasons stated below.

Claim 1

The Office rejects claim 1 stating the language in line 6 is unclear regarding whether the "fish tape" is part of the claimed combination or not.

Without conceding the propriety of the stated rejections, and solely to advance the prosecution of this matter, the Applicant has amended claim 1 and submits the amendments overcome the Office's rejection.

Claims 2, 3, and 6-9 depend from claim 1. Applicant respectfully requests reconsideration and withdrawal of the §112, ¶2 rejection of independent claim 1 and dependent claims 2, 3, and 6-9.

Rejections under 35 U.S.C. §102(b)

The Office rejects claims 1-3 and 6-8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,939,821 to Frank, Jr. (hereinafter, "Frank"). The Applicant respectfully traverses these rejections.

Claim 1

Turning first to **independent Claim 1**, without conceding the propriety of the stated rejection, and without conceding that Frank provides the teaching for which it was cited in the Action, the Applicant has amended claim 1 as indicated above. For convenience of discussion, the Applicant reproduces here claim 1 as it would stand after entry of the above revisions:

1 “1. An apparatus for retaining and pulling an end of a line through a
2 raceway, the apparatus comprising:

3 a line clamp having a wedge fitted into a channel adapted to retain
4 the end of the line therebetween;

5 an attachment portion attached to the wedge for connecting the line
6 clamp to an end of a fish tape for pulling the line clamp through the
7 raceway; and

8 wherein the wedge retains the end of the line against the channel
9 with an initial wedge pressure and wherein the initial wedge pressure is
10 subsequently amplified by a leverage factor of the wedge on the point
11 where the line ends in proportion to a pressure exerted to pull the line
12 clamp through the raceway and at least in part in a direction of the pressure
13 exerted to pull the line clamp through the raceway.”
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15 The Applicant submits the above revisions to claim 1 are fully supported
16 under 35 U.S.C. § 112, 1st paragraph, at least by page 3, paragraph [0006]; page 5,
17 paragraph [0019]; and Figures 1 and 2 of the Applicant's Specification.
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19 Frank pertains generally to a drop wire clamp assembly. More specifically,
20 Frank pertains to a clamp assembly used to support an insulated drop wire relative
21 to a structure, such as a pole or building, in order to take the strain off the
22 connection where the line reaches the structure (Frank, Col.1 lines 5-7 and 12-13).
23 The drop wire clamp assembly of Frank requires the use of a retained shim to grip
24 and hold the line within the housing of the assembly (Frank, Col. 1, lines 29-32).
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1 The shim is retained in place by a tab that snap fits inside an aperture located on a
2 side wall of the assembly housing (Frank, Col. 1, lines 65-68 and Col. 2 lines 6-
3 32).

4 As such, Frank does not disclose every element of Applicant's amended
5 claim 1. For example, Frank does not show or disclose "...an attachment portion
6 attached to the wedge for connecting the line clamp to an end of a fish tape for
7 pulling the line clamp through the raceway..." as in Applicant's claim 1 after
8 entry of the above revisions. Instead, Frank discloses "...a drop wire clamp
9 assembly [that] has a wire loop which attach[es] to [a] structure so as to take the
10 strain off of the connection where the telephone line reaches the building or
11 telephone pole." (Frank, Col. 1, lines 10-13).

12 Additionally, Frank does not show or disclose a wedge component of an
13 apparatus for pulling line through a raceway "...wherein the wedge retains the end
14 of the line against the channel with an initial wedge pressure..." as recited in
15 Applicant's claim 1. Instead, Frank describes a drop wire clamp assembly in
16 which a continuous line of insulated wire is placed within an assembly housing
17 and subsequently covered and held in place by a shim and sliding component
18 (Frank, Col. 2, lines 1-3). The line of insulated wire in Frank is a continuous
19 length of wire, going in one end of the assembly and out the other end (Frank,
20 Figure 1). The assembly structure in Frank does not disclose a "wedge [that]
21 retains the *end of the line* against the channel with an initial wedge pressure..." as
22 in Applicant's claim 1.

23 Further, Frank does not disclose "...wherein the initial wedge pressure is
24 subsequently amplified by a leverage factor of the wedge on the point where the
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1 line ends in proportion to a pressure exerted to pull the line clamp through the
2 raceway and at least in part in a direction of the pressure exerted to pull the line
3 clamp through the raceway..." as in Applicant's claim 1. As previously stated, the
4 clamp assembly in Frank requires the placement of a shim over the full length of
5 insulated wire, where the shim is retained by a tab that snap fits inside an aperture
6 in the housing (Frank, Col. 1, lines 65-68; Col. 2, lines 6-32; Figures 2-4). Once
7 snapped in place, the shim is prevented from moving toward the housing ends due
8 to the tab and aperture retaining means and the slide assembly placed over it
9 (Frank, Col. 3, lines 12-19). As such, the shim exerts a downward pressure over
10 the full length of the retained insulated wire (Frank, Figure 3). In effect, the shim
11 and insulated wire are "captured to a bail housing," due to the downward pressure
12 applied by the slide assembly over the full length of the shim and covered
13 insulated wire (Frank, 6-24; Figures 1 and 2).

14 In contrast, the line clamp of Applicant's claim 1 does not require the use
15 of a shim and discloses an end of a line held in place in the line clamp by an
16 "...initial wedge pressure [that] is subsequently amplified by a leverage factor of
17 the wedge on the point where the line ends in proportion to a pressure exerted to
18 pull the line clamp through the raceway and at least in part in a direction of the
19 pressure exerted to pull the line clamp through the raceway..." Frank discloses
20 an applied pressure over a full length of retained wire and does not disclose an
21 increasing pressure applied at the end of a retained line, as in Applicant's claim 1.

22 For the above stated reasons, and because Frank does not show or disclose
23 every element of Applicant's amended claim 1, Applicant respectfully submits
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1 that Frank does not support a § 102 rejection of claim 1. The Applicant thus
2 requests reconsideration and withdrawal of the § 102 rejection of claim 1.
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4 **Claims 2, 3, and 6-8**

5 Claims 2, 3, and 6-8 depend directly or indirectly from claim 1 and stand
6 rejected on similar grounds. The above comments directed to claim 1 apply
7 equally to dependent claims 2, 3, and 6-8 that, for their own recited features, and
8 in combination with those recited in claim 1, are not taught by Frank.
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10 **Rejections under 35 U.S.C. §103(a)**

11 The Office rejects claim 9 under 35 U.S.C. §103(a) as being unpatentable
12 over Frank in view of U.S. Patent 2,750,152 to Schinske, (hereinafter,
13 "Schinske"). The Applicant respectfully traverses this rejection.
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15 Claim 9 is a dependent claim, which depends from base claim 1. As stated
16 previously, Applicant submits that base claim 1, as amended, overcomes the
17 Office's 35 U.S.C §102(b) rejection based on Frank, because Frank does not show
18 or disclose every element of amended claim 1. Because dependent claims contain
19 the language of the claims from which they depend, and Applicant submits
20 amended base claim 1 overcomes the §102 rejection, Applicant respectfully
21 submits dependent claim 9 also overcomes rejection.

22 The Office rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable
23 over Frank in view of Schinske. Applicant submits Frank does not teach or
24 suggest all of the elements of amended claim 1. In particular, Frank does not
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1 teach or suggest "...wherein the wedge retains the end of the line against the
2 channel with an initial wedge pressure and wherein the initial wedge pressure is
3 subsequently amplified by a leverage factor of the wedge on the point where the
4 line ends in proportion to a pressure exerted to pull the line clamp through the
5 raceway and at least in part in a direction of the pressure exerted to pull the line
6 clamp through the raceway" as recited in Applicant's claim 1.

7 Additionally, Schinske does not teach or suggest all of the elements of
8 amended claim 1, and therefore fails to remedy the shortcomings of Frank.
9 Therefore, the combination of Frank and Schinske fails to support an obviousness
10 rejection of dependent claim 9 under 35 U.S.C. §103(a).

11 For these reasons, Applicant submits claim 9 is not obvious over Frank in
12 view of Schinske and respectfully requests reconsideration and withdrawal of the
13 §103(a) rejection of claim 9.
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Conclusion

The Applicant submits that the claims in this application are now in condition for allowance. Applicant respectfully requests that an early Notice of Allowability be issued. If there are any outstanding issues that would prevent favorable action on this application, Applicant respectfully requests that the undersigned attorney be contacted for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 22 May 06By: 

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